

**THE STATE PERSONNEL BOARD FOR  
THE STATE OF ALABAMA**

**IN RE THE MATTER OF  
ROBINA JENKINS  
2418 Elsmeade Drive  
Montgomery, AL 36116**

**PETITION FOR REVIEW**

Comes now, Robina Jenkins, pursuant to 41-22-1, Code of Alabama 1975, the Administrative Procedure Act, and 36-26-1, Code of Alabama 1975, the Merit System Act, and petitions the Alabama State Personnel Board to review petitioner's layoff, and support of the petition show the Board as follows:

1. On or about October 2003, the Secretary of State, (Secretary) Nancy Worley, submitted a budget reduction plan to the State Personnel Board which laid-off petitioner to comply with budget cut passed by the Alabama State Legislature.
2. The plan submitted by the Secretary of State was to reduce the Secretary of State's budget approximately \$228,700.00
3. Petitioner had been employed in the Secretary of State's office for approximately 13 years and as a state employee for 17 years.
4. That Petitioner was notified by the Secretary that she would be placed on the layoff reemployment register for the classification in which she was laid off for two years; that during this time, the appointing authority of this agency could not hire someone in this class from the register or provisionally as long as she was available for reemployment; that no other state agency could hire any employees from an open-competitive register in petitioner's class as

long as she is available for the position.

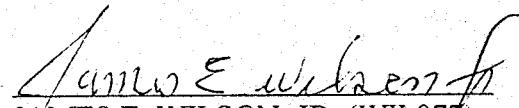
5. That petitioner has reason to believe the Secretary has hired a individual provisionally in the classification in which petitioners was laid-off.
6. That petitioner has reason to believe, other State agencies have hired individuals from an open-competitive register in the classification in which petitioner was laid-off.
7. That petitioner has reason to believe the current budget of the Office of the Secretary of State is equal to or exceeds the budget of said office prior to the budget cut passed by the Legislature in October, 2003.
8. That the Secretary has hired an individual provisionally in the classification petitioner held prior to her layoff, thereby violating the Constitution and Statutory Law of the State of Alabama, and specifically the budget cuts enacted by Alabama Legislature in 2003.
9. That other state agencies have hired individuals from the open-competitive register in the classification in which petitioner was laid-off without first offering the position to petitioner, thereby violating petitioner's rights under the Merit System Act and the Constitution of Alabama and Statutory Laws.
10. If the current budget of Office of the Secretary of State is equal to or exceeds the budget of the office prior to the budget cuts passed by the Legislature in October, 2003, the Secretary of State has violated the Constitution and Statutory Law of the State of Alabama, and specifically the budget cuts passed by the legislature in October, 2003.

WHEREFORE the above premises considered, petitioner respectfully request the State Personnel Board for the following relief:

- a) Conduct a prompt fact-finding proceeding.

- b) Grant petitioner right to engage in legal discovery.
- c) Thereafter, set this petition for a hearing.
- d) Find that the Secretary of State has violated the Constitution of Alabama, the statutory laws of Alabama, the budget cut passed by the Alabama Legislature in October 2003, and the Merit System Act.
- e) Order petitioner reinstated to the classification she held in the Secretary of States office prior to her layoff.
- f) Order back pay, pay increases and all benefits petitioner would have been due but for the layoff.
- g) Such other, further and different relief the Board deems proper.

Respectfully submitted,

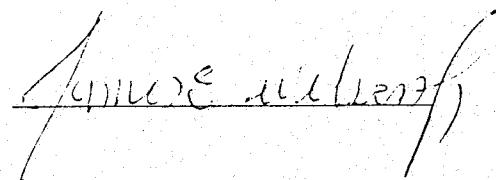
  
JAMES E. WILSON, JR. (WIL077)  
Attorney For Petitioner

OF COUNSEL:

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Post Office Box 6237  
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**CERTIFICATE OF SERVICE**

I hereby certify I have served the foregoing on the following by placing a copy in the United States Mail postage prepaid this 18/7 day of July, 2005.



Nancy Worley  
Secretary of State  
First Floor, State Capitol  
Suite S-105  
P.O. Box 5616  
Montgomery, Alabama 36103-5656